IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

Bail Appl..No. 1729 of 2007()

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CRIME NO.162/05 OF THE IRIKKUR POLICE STATION

: PETITIONER/ACCUSED

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NEKKOTHKANDY MOIDEEN, S/O. MUHAMMED,
AGED 50 YEARS, KUTTIATOOR AMSOM,
PAVANNUR DESOM, PAVANNUR MOTTA,
KANNUR DISTRICT.

BY ADV. SRI.V.RAMKUMAR NAMBIAR

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. STATION HOUSE OFFICER,
IRIKKUR POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. RAMKUMAR, J.**

**B.A. No. 1729 OF 2007 A**

**Dated this the 22nd day of March, 2007**

**O R D E R**

Petitioner, who is the accused in Crime No.162/05 of Irikkur Police Station for an offence punishable under section 376 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The defacto complainant is a 30 year old married woman. Her husband had deserted her. The petitioner had developed a sexual intimacy with her since 2000. Two children were also born in that relationship. Later the petitioner resiled from his promise to marry her. Thereupon she lodged the complaint alleging that the accused committed the offence under section 376.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and potency test and then to have his application for regular bail ordered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 27.3.2007 and 29.3.2007 for the purpose of interrogation and potency test. The petitioner shall, thereafter, be produced on the same day before the concerned Magistrate, who shall release the petitioner on bail on appropriate conditions.

This application is disposed of as above.

**(V. RAMKUMAR, JUDGE)**

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